



Agenda Date: 4/26/06

Agenda Item: IV A

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

IN THE MATTER OF THE PETITION OF VERIZON)
NEW JERSEY INC. FOR ARBITRATION OF AN)
AMENDMENT TO INTERCONNECTION AGREEMENTS)
WITH COMPETITIVE LOCAL EXCHANGE CARRIERS)
IN NEW JERSEY PURSUANT TO SECTION 252 OF THE)
COMMUNICATIONS ACT OF 1934, AS AMENDED, THE)
TRIENNIAL REVIEW ORDER AND THE TRIENNIAL)
REMAND ORDER)

TELECOMMUNICATIONS
ORDER

DOCKET NO. TO05050418

IN THE MATTER OF THE PETITION OF DIECA
COMMUNICATIONS D/B/A COVAD COMMUNICATIONS
COMPANY, SNIP LINK LLC, XO COMMUNICATIONS)
SERVICES, INC. AND XTEL COMMUNICATIONS, INC.)
FOR AN AMENDMENT TO INTERCONNECTION)
AGREEMENTS WITH VERIZON NEW JERSEY INC.,)
PURSUANT TO SECTION 252(B) OF THE)
COMMUNICATIONS ACT OF 1934, AS AMENDED, THE)
TRIENNIAL REVIEW ORDER AND THE TRIENNIAL)
REMAND ORDER)

DOCKET NO. TO05070606

IN THE MATTER OF THE PETITION OF XO
COMMUNICATIONS SERVICES, INC. FOR
ARBITRATION OF AN AMENDMENT TO AN
INTERCONNECTION AGREEMENT WITH VERIZON)
NEW JERSEY INC.)

DOCKET NO. TO05060551

IN THE MATTER OF THE PETITION OF ATX)
LICENSING, INC.; CTC COMMUNICATIONS CORP.;)
ICG TELECOM GROUP, INC.; AND LIGHTSHIP)
TELECOM LLC FOR ARBITRATION OF AN)
AMENDMENT TO INTERCONNECTION AGREEMENTS)
WITH VERIZON NEW JERSEY INC. PURSUANT TO)
SECTIONS 251, 252 AND 271 OF THE)
COMMUNICATIONS ACT OF 1934, AS AMENDED,)
AND THE TRIENNIAL REVIEW ORDER AND)
TRIENNIAL REVIEW REMAND ORDER)

DOCKET NO. TO05060552

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated April 3, 2006, Verizon New Jersey Inc. ("VNJ"), a New Jersey corporation, and ACN Communications Services Inc.; AT&T Communications of New Jersey L.P.; TCG Delaware Valley Inc.; Teleport Communications New York; Eureka Telecom f/k/a Gillette Global Network, Inc.; IDT America Corp.; Monmouth Telephone & Telegraph, Inc.; Qwest Communications Corporation; Sprint Communications Company L.P.; DIECA Communications d/b/a/ Covad Communications Company; SNiP LiNK LLC; XO Communications Services, Inc. (formerly Allegiance Telecom of New Jersey Inc. and XO New Jersey, Inc.); XTel Communications, Inc.; ATX Licensing, Inc.; CTC Communications Corp.; Lightship Telecom LLC (jointly, "the Parties"), pursuant to Section 252(e) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §151 et seq.) ("the Act"), submitted to the Board of Public Utilities ("Board") an application ("Application") for approval of an arbitrated interconnection agreement amendment dated March 27, 2006 ("the Agreement amendment"). This amendment was filed pursuant to Board Order issued March 27, 2006 modifying language contained in the original amendments filed by VNJ on February 3, 2006.

DISCUSSION

The Board, in its March 27, 2006 Order, found that, to the extent that the Amendments include language required by the Arbitrator's decisions but which has not been objected to by the parties, the Board did not find a basis for modification or reconsideration of the Arbitrator's decision. The Board adopted the reasoning of the decisions by the Arbitrator as its own, and as incorporated into the Amendments.

Further, the Board rejected the language of the interconnection agreement amendments set forth in sections 3.11.1 and 3.11.2.6 which reflected the date of October 2, 2003 as the effective date for commingling and conversions and ordered the parties to re-file executed amendments with language conforming with the Board's findings that the implementation date for commingling and conversions is not October 2, 2003 but rather the date of execution of the interconnection agreement amendment.

In the current review, and pursuant to the Act, an incumbent LEC may arbitrate and/or negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements. In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject an agreement or any portion thereof only if it finds that: (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion thereof is not consistent with the public interest, convenience, and necessity. 47 U.S.C. §252(e)(2)(A).


The Board's current review of the Agreement amendment and the record in this matter indicate that the current Agreement amendment is consistent with the public interest, convenience, and necessity and that the Agreement amendment does not discriminate against telecommunications carriers not parties to the Agreement amendment and reflects the findings contained in the Board's Order of March 27, 2006. Therefore, the Board **FINDS** that the Agreement amendment meets the standards set forth in the Act, and **HEREBY APPROVES** the Agreement amendment as presented by the Parties. This approval should not be construed as

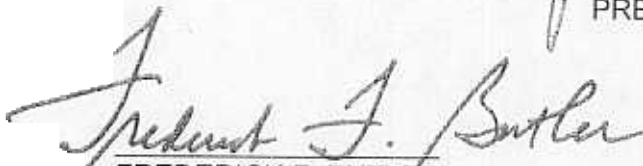
preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement, nor shall the Board be bound by any provisions within the Agreement amendment regarding the confidentiality of information.

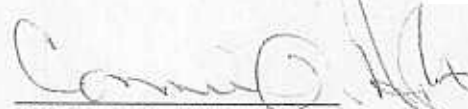
The Board notes that amendments or modifications to Board-approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

DATED: 4/27/06


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

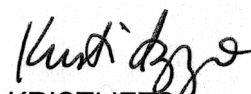

FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

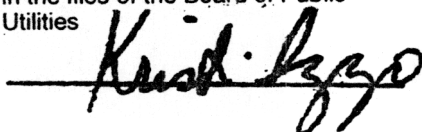

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



**Petition of Verizon New Jersey Inc. for Arbitration of an Amendment to
Interconnection Agreements with Competitive Local Exchange Carriers and
Commercial Mobile Radio Service in New Jersey Pursuant to Section 252 of the
Communications Act of 1934, as Amended, and the Triennial Review Order and
the Triennial Review Remand Order
Docket Nos. TO05050418, TO05070606, TO05060551, & TO05060552**

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